

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF SECOND PUBLIC
amendment of ARM 36.12.1704, Permit)	HEARING AND EXTENSION
Application - Existing Legal Demands)	OF COMMENT PERIOD ON
and 36.12.1706, Permit Application)	PROPOSED AMENDMENT
Criteria - Adverse Effect)	

To: All Concerned Persons

1. On June 26, 2008, the Department of Natural Resources and Conservation published MAR Notice No. 36-22-128 regarding the notice of public hearing on the proposed amendment of the above-stated rules at page 1278 of the 2008 Montana Administrative Register, Issue No. 12.

2. On August 28, 2008, at 10:00 a.m. a second public hearing will be held in the Fred Buck Conference Room (lower floor), at the Department of Natural Resources and Conservation, Water Resources Building, 1424 Ninth Avenue, Helena, Montana, to consider the amendment of the above-stated rules. This second public hearing supplements the hearing that occurred on July 24, 2008. It has come to the attention of the department that certain interested parties were not initially notified of the proposed rule change. This second hearing has been scheduled to permit those parties to provide testimony and written comment.

3. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on August 15, 2008, to advise us of the nature of the accommodation that you need. Please contact Kim Overcast, Montana Department of Natural Resources and Conservation, 1424 Ninth Avenue, Helena, MT 59620, telephone (406) 444-6614, fax (406) 444-0533, e-mail kovercast@mt.gov.

4. The department is also extending the time within which to submit written comment. Written data, views, or arguments may be submitted to Kim Overcast at the contact information listed in paragraph 3, and must be received no later than 5:00 p.m. on August 28, 2008. Testimony and comments that have already been submitted pursuant to the initial notice and hearing need not be repeated.

5. The rules as proposed to be amended remain the same.

6. Kim Overcast, Department of Natural Resources and Conservation, has been designated to preside over and conduct the hearing.

7. An electronic copy of this Notice of Public Hearing on Proposed Amendment is available through the department's site on the World Wide Web at

<http://www.dnrc.mt.gov>. The department strives to make the electronic copy of this Notice of Public Hearing on Proposed Amendment conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent or delivered to the contact person in 3 above or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The bill sponsor was notified by regular mail on June 9, 2008.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

/s/ Mary Sexton
MARY SEXTON
Director
Natural Resources and Conservation

/s/ Anne Yates
ANNE YATES
Rule Reviewer

Certified to the Secretary of State on July 21, 2008.